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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,614

08/21/2003

Andre Lubarsky JR.

CERO-002

8614

28661

7590

08/24/2004

SIERRA PATENT GROUP, LTD.

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EXAMINER

SHANKAR, VIJAY

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/646,614	<b>Applicant(s)</b> LUBARSKY ET AL.	
	<b>Examiner</b> VIJAY SHANKAR	<b>Art Unit</b> 2673	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>32404</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Asher (5,159,159).

Regarding Claim 1, Asher teaches an apparatus for sensing the location of user input comprising: a display unit (Col.3,line 67- col.4, line 6) comprising: a screen having a resistive coating disposed on the surface (Figs. 12; col.12, lines 3-55); pre-existing internal signal generation means for providing a pre-existing signal emanating from the screen through the resistive coating (Figs. 12; col.12, lines 3-55); a sensor array disposed about the screen(Figs. 12; col.12, lines 3-55); sensing electronics coupled to the sensor array (Figs. 14-15; col.13, line 45- col.14, line 67); and the sensing electronics being configured to determine the location of user input on the screen by sensing localized deviations in the amplitude of the pre-existing signal (Figs. 12-20; col.15, line 55- col.16, line 32; Col.17, line 57- col.18, line 56 ).

Regarding Claims 2, 5, Asher teaches the apparatus wherein the sensing electronics are configured to sense deviations in a voltage drop across the resistive coating (fig.16; col.15, lines 6-65).

Regarding Claims 3, 6, 12, Asher teaches the apparatus wherein the deviations are a result of attenuation cause by a user's body capacitance (Fig.12; Col.12, lines 3-55).

Regarding Claim 4, Asher teaches an apparatus for sensing the location of user input comprising: a display unit (Col.3,line 67- col.4, line 6) comprising: a screen having a resistive coating disposed on the surface(Figs. 12; col.12, lines 3-55); signal generation means for providing a sensing signal emanating from the screen through the resistive coating(Figs. 12; col.12, lines 3-55); a sensor array disposed about the screen(Figs. 12; col.12, lines 3-55); sensing electronics coupled to the sensor array(Figs. 14-15; col.13, line 45- col.14, line 67); and the sensing electronics being configured to determine the location of user input on the screen by sensing localized deviations in the amplitude of the sensing signal. (Figs. 12-20; col.15, line 55- col.16, line 32; Col.17, line 57- col.18, line 56 ).

Regarding Claim 7, Asher teaches the apparatus wherein the display unit further comprises a horizontal synch signal, and signal generation means is further configured to generate the sensing signal approximately 180.degree. out of phase with the horizontal synch signal (Col.1, lines 14-30).

Regarding Claim 8, 13, Asher teaches the apparatus wherein the sensing signal is generated having an amplitude independent of the video intensity of the display unit. (Figs. 12-20; col.15, line 55- col.16, line 32; Col.17, line 57- col.18, line 56 ).

Regarding Claims 9,14, Asher teaches the apparatus wherein the apparatus is further configured to perform a calibration routine when no user input is sensed for a predetermined period of time (Flg.18; col.16, lines 33-45).

Regarding Claim 10, Asher teaches the apparatus for sensing the location of user input comprising: a display unit (Col.3,line 67- col.4, line 6) comprising: a screen having a resistive coating disposed on the surface(Figs. 12; col.12, lines 3-55); pre-existing internal signal generation means for providing a pre-existing signal emanating from the screen through the resistive coating(Figs. 12; col.12, lines 3-55); microprocessor sensor signal generating means for generating a sensor signal out of phase with respect to the pre-existing internal signal, the sensor signal generating means further configured to emanate the sensor signal from the resistive coating (Figs. 12-20; col.15, line 55- col.16, line 32; Col.17, line 57- col.18, line 56 ); a sensor array disposed about the screen(Figs. 14-15; col.13, line 45- col.14, line 67); sensing electronics coupled to the sensor array; and the sensing electronics being configured to determine the location of user input on the screen by sensing localized deviations in the amplitude of the sensor signal. (Figs. 12-20; col.15, line 55- col.16, line 32; Col.17, line 57- col.18, line 56 ).

Regarding Claim 11, Asher teaches the apparatus wherein the sensing electronics are configured to sense deviations in a voltage drop across the resistive coating. (fig.16; col.15, lines 6-65).

Regarding Claim 15, Asher teaches the apparatus wherein a sensing signal is generated for each of the sensors of the sensor arrays. (fig.16; col.15, lines 6-65).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is 703-305-4763. The examiner can normally be reached on M-F 7:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a stylized, flowing script.

VIJAY SHANKAR  
Primary Examiner  
Art Unit 2673

VJS